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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,819	12/03/2003	Samson Ling	7939A-000031	4123

27572 7590 12/28/2004  
HARNESSE, DICKEY & PIERCE, P.L.C.  
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EXAMINER


PATEL, KIRAN B

ART UNIT PAPER NUMBER

3612

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/726,819	Applicant(s) LING ET AL.	
	Examiner Kiran B. Patel	Art Unit 3612	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on 29 November 2004.

2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) 1 and 2 is/are pending in the application.

4a) Of the above claim(s) 2 is/are withdrawn from consideration.

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 1 is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

Non-Final Rejection

### **Election/Restriction**

1. Applicant's election without traverse of Group I, Species A, Fig 1-2, and claim 1, is acknowledged.

Claims 2 was withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Species, there being no allowable generic or linking claim.

### **Claim Rejections - 35 USC § 112**

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1, as best understood, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, "a vehicle accessory, said accessory having at least one bracket joining zone; a mounting bracket having at least one accessory joining zone, and at least one vehicle attachment zone; a vehicle, said vehicle having at least one corresponding accessory joining zone" fails to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It appears that a mounting bracket or a vehicle should have been claimed not both.

Regarding claim 1, "a first means of joining the bracket joining zone to the accessory joining zone, wherein the first means of joining comprises at least one means from the group consisting of forming, welding, bonding, taping, mechanical joining, or taper locking; a second means of joining the vehicle attachment zone to a vehicle, wherein the second means of joining comprises at least one means from the group consisting of forming, welding, bonding, taping, mechanical joining, or taper locking" fails to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, "a means of joining said bracket joining zone to said mounting bracket joining zone precisely utilizing datum locators; a means of joining the vehicle attachment zone to a vehicle precisely utilizing datum locators" fails to

particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims, elected for prosecution, are confusing and are not clear because claimed limitations, (claim 1, Regarding claim 1, "a vehicle accessory, said accessory having at least one bracket joining zone; a mounting bracket having at least one accessory joining zone, and at least one vehicle attachment zone; a vehicle, said vehicle having at least one corresponding accessory joining zone; a first means of joining the bracket joining zone to the accessory joining zone, wherein the first means of joining comprises at least one means from the group consisting of forming, welding, bonding, taping, mechanical joining, or taper locking; a second means of joining the vehicle attachment zone to a vehicle, wherein the second means of joining comprises at least one means from the group consisting of forming, welding, bonding, taping, mechanical joining, or taper locking; a means of joining said bracket joining zone to said mounting bracket joining zone precisely utilizing datum locators; a means of joining the vehicle attachment zone to a vehicle precisely utilizing datum locators" fails to particularly point out and distinctly claim the subject matter which applicant regards as the invention), are

not shown in the figures and/or lacks support in the specification and therefore fails to particularly point out and distinctly claim the subject matter which applicant regards as the invention. These limitations must be shown or the feature(s) canceled from the claim(s). Applicant is requested to go through the application and ensure that the claimed matter has been described in the specification and shown in the drawing in such a way as to convey to one skilled in the art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Correction is required.

**Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.


3. Claim 1, as best understood, is rejected under 35 U.S.C. 102(b) as being anticipated by Castro (6,158,793).

Regarding claim 1, as best understood, Castro (6,158,793) discloses in Fig. 1-9 the invention as claimed to include a vehicle accessory 4, a mounting bracket 14, a vehicle 6, a first means 16, a second means 22, and datum locators 19.

**Conclusion**

4. The prior art made of record in attached Notice of Reference Cited (PTO-892) and not relied upon is considered pertinent to applicant's disclosure. This art of record shows various features similar to the applicant's invention.

5. Any inquiry concerning this communication or earlier communications should be directed to Primary Examiner Kiran B. Patel whose telephone number is 703-305-0254. The examiner can normally be reached on M-F from 8:00 to 5:00. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

  
Kiran B. Patel, P. E.  
Primary Examiner  
Art Unit 3612  
December 22, 2004